

1 BILL NO. Z-85-*05-15*

2 ZONING MAP ORDINANCE NO. Z-*08-85*

3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. S-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby
8 designated a P.O.D. (Professional Office District) under the terms of
9 Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Part of the East Half of the Southeast Quarter of
11 Section 32, Township 31 North, Range 13 East, in
Allen County, Indiana, being more particularly
described as follows:

12 Commencing at the Northeast corner of the East Half
13 of the Southeast Quarter of Section 32, Township 31
North, Range 13 East, in Allen County, Indiana;
thence West along the North line of the East Half
14 of the Southeast Quarter of Section 32, Township 31
North, Range 13 East, a distance of 457.0 feet to the
point of beginning; thence South 0 degrees 10 minutes
15 West a distance of 691.0 feet; thence West a distance
of 226.28 feet; thence North 0 degrees 10 minutes
16 East a distance of 691.0 feet to the aforementioned
17 North line of the East Half of the Southeast Quarter
18 of Section 32; thence East along the said North line
19 of the East Half of the Southeast Quarter of Section 32
a distance of 226.28 feet to the place of beginning;
containing 3.59 acres of land, more or less;

20 EXCEPT the North 50 feet thereof appropriated for widening
of East State Boulevard.

21 and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established
22 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana
23 are hereby changed accordingly.

24 SECTION 2. That this Ordinance shall be in full force and
25 effect from and after its passage and approval by the Mayor.

27 *Marlin S. Reed*
28 COUNCILMEMBER

29 APPROVED AS TO FORM AND LEGALITY

30 *B.B.*
31 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Pedd, seconded by Delano, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____, 19_____, at _____ o'clock _____.M.,E.

DATE: 5-14-85

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Pedd, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>—</u>	<u>—</u>	<u>1</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 6-25-85

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-08-85
on the 25th day of June, 1985,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 26th day of June, 1985,
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of June,
1985, at the hour of 3:00 o'clock P.M., E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. _____

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

We East State Professional Center, an Indiana General Partnership, and
William D. Swift, Trustee (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana,
 by reclassifying from a/an R-3 district to a/P.O.D. district the
 property described as follows:

A parcel of land in the E 1/2 of the SE 1/4 of Section 32-31-13 more
fully described on Exhibit A attached hereto and made a part hereof

(Legal Description)

(General Description for Planning Staff Use Only)

We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum
 (51%) or more of the property described in this petition.

William D. Swift, Trustee 590 Lincoln Tower, Ft. Wayne, IN William D. Swift, Trustee
46802 R. M. Stetzer, Partner

EAST STATE PROFESSIONAL CENTER, 4606 East State, Ft. Wayne, IN R. M. Stetzer, Partner
an Indiana General Partnership 46815 Robert Gebfert, Partner

XXXXXXXXXXXXXXXXXXXXXX Gerry L. Kaufman, Partner
(Name) (Address) Eugene L. Dallinger, Partner

Legal Description Checked By: _____
 (City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

William D. Swift

(Name)

590 Lincoln Tower
Fort Wayne, IN 46802

(Address)

219-423-4422

(Telephone Number)

CITY PLAN COMMISSION, CITY-COUNTY BUILDING, Room # 880, ONE MAIN STREET, FORT WAYNE,
 INDIANA, 46802 Telephone Number: 423-7571

EXHIBIT A

Part of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana; thence West along the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East a distance of 457.0 feet to the point of beginning; thence South 0 degrees 10 minutes West a distance of 691.0 feet; thence West a distance of 226.28 feet; thence North 0 degrees 10 minutes East a distance of 691.0 feet to the aforementioned North line of the East Half of the Southeast Quarter of Section 32; thence East along the said North line of the East Half of the Southeast Quarter of Section 32 a distance of 226.28 feet to the place of beginning; containing 3.59 acres of land, more or less;

EXCEPT the North 50 feet thereof appropriated for widening of East State Boulevard.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 14, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-05-15; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1985;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 3, 1985.

Certified and signed this
10th day of June 1985.

Melvin O. Smith
Secretary

PROPOSAL:

East State Professional Center and William Swift, trustee, petition for a change of zone from an R-3 to a P.O.D.

GENERAL INFORMATION:

Location: Off State Blvd., west of Reed Road, and on the south side of the street.

Legal Description: Metes & Bounds in File

Existing Zoning": R-3

Size of Property: 3.59 Acres ±

Surrounding Land Use & Zoning: North - RA - Single Family
South - POD - Offices
East - POD - Offices
West - RB - Single Family

Reason For Request: To bring existing office use into the same zoning classification as the rest of the development.

Applicable Regulations: POD is a more restrictive classification than R-3.

Comprehensive Plan: No Comment

Urban Design: Approved

Neighborhood Planning: No Comment

HANDS: No Comment

Housing Authority: No Comment

SPECIAL INFORMATION:

Public Utilities: Available

Physical Characteristics: This is currently a developed site.

PLANNING STAFF DISCUSSION:

The proposed zoning designation is more restrictive than the current R-3 designation. This area has previously been approved for office use thru the BZA.

Approval of this petition will place all professional office uses at this site into the same zoning classification, and under the same restrictions requiring development plan review by Plan Commission.

RECOMMENDATION:

Approval

FACT SHEET

Z-85-05-15

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON																																
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He stated they have no new construction planned on this site. He stated it was an oversight when they were rezoning all of the rest of the property to a POD to have left this portion out. He stated that this reclassification of this portion was also one of the conditions of rezoning some of the property to POD. There was no one present who wished to speak in favor of or in opposition to the proposed rezoning. </td> <td style="padding: 5px;"> Opponents <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Groups or Individuals</td> <td style="width: 50%;">Basis of Opposition</td> </tr> </table> </td> </tr> <tr> <td style="padding: 5px;"> June 3, 1985 - Business Meeting Motion to approve was made and carried by 6 ayes, 0 nays, 1 did not vote. 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DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start**Date** 29 March 1985**Projected Completion or Occupancy****Date** 10 June 1985**Fact Sheet Prepared by**
Patricia Biancaniello**Date** 10 June 1985**Reviewed by**
Gary Baeten
Gary E. Baeten**Date** 10 June 1985**Reference or Case Number**

ORIGINAL

DIGES & SHEET

Admn.-Appr.

ORIGINAL

3-85-05-15-

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 4606 East State Blvd.

EFFECT OF PASSAGE Property is now zoned R-3 - Multi-Family Residential.

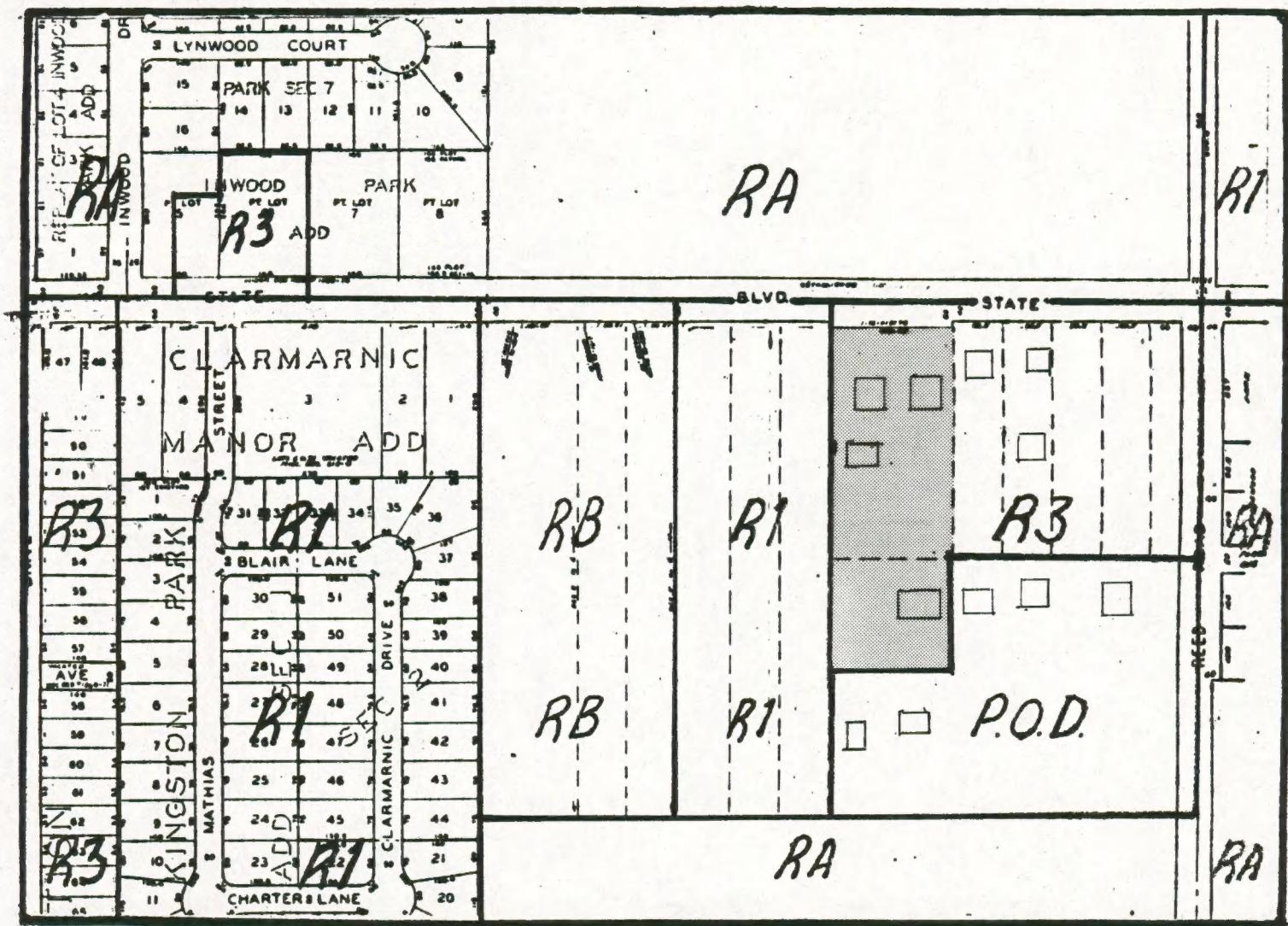
Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J. N.)

GENERAL LOCATION FOR 4606 EAST STATE BLVD.

Zoning:

- R1 RESIDENTIAL DISTRICT
- R3 RESIDENTIAL DISTRICT
- RA RESIDENCE 'A'
- RB RESIDENCE B
- P.O.D. PROFESSIONAL OFFICE DISTRICT

Land Use:

BILL NO. Z-85-05-15

Scale: 1"-300'

-12-

Date: 4-24-85

RECEIPT

No 11959

COMMUNITY DEVELOPMENT & PLANNING

Ft. WAYNE, IND.

19

3-29 85

RECEIVED FROM

Cass State Co. Cent \$ 500

THE SUM OF

fifty 50/ DOLLARS

ON ACCOUNT OF

R-3 to P.O.D. *Bob*

100 AUTHORIZED SIGNATURE

BILL NO. Z-85-05-15

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON

REGULATIONS

TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne
Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(RESOLUTION)

YES

NO

Charles B. Redd CHARLES B. REDD
CHAIRMAN

Janet G. Bradbury JANET G. BRADBURY
VICE CHAIRWOMAN

James S. Stier JAMES S. STIER

Ben A. Eisbart BEN A. EISBART

Donald J. Schmidt DONALD J. SCHMIDT

CONCURRED IN

6-25-85

SANDRA E. KENNEDY
CITY CLERK